

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Telair International
3303 Old Conejo Road
Newbury Park, CA 91320
CAD 008383127

Telair International, Inc.
4175 Guardian Street
Simi Valley, CA 93063

Respondent.

Docket HWCA 2006 1279

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Telair International, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: Telair International, 3303 Old Conejo Road, Newbury Park, CA, CAD 008383127 (Site).

1.3. Inspection. The Department inspected the Site on June 20 and July 13, 2006.

1.4. Authorization Status. Respondent operates under Post Closure Permit # 05-SAC-007, Dated: October 7, 2005

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. By entering into this consent order, the Respondent does not admit any of the violations alleged.

2. VIOLATIONS ALLEGED

2.1. The Department alleges that Respondent violated California Code of Regulations (CCR), title 22, Section 66264.97(b)(4), in that on or about June 20, 2006 and July 13, 2006, Respondent failed to maintain the integrity of each monitoring well and prevent bore holes from acting as conduits for contaminant transport. To wit: None of the 31 wells inspected had locking bolts to secure the well vault cover. Two of the wells didn't have any bolts at all to hold secure the well vault cover. Nine vault covers had cutouts which could allow surface water into the well vault. Six well vaults contained water. Six wells did not have locks or were not adequately locked.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein by maintaining wells secure by means of lock, intact cap, gaskets, sealing cover and locking bolts.

3.1.2. Respondent shall make payment at the time and in accordance with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by a written instrument signed by both Respondent and the Department.

5. PENALTY

5.1. Respondent shall pay the Department the total penalty sum of \$10,000.00.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Florence Gharibian, Branch Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 N. Grandview Blvd.
Glendale, California, 91201

and

Ramon Perez, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 4/16/2007

Original signed by: John Suddarth
John Suddarth, President
Telair International
Respondent

Dated: 4/19/2007

Original signed by: Florence Gharibian
Florence Gharibian, Branch Chief
Statewide Compliance Division
Department of Toxic Substances Control